

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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**DENNIS DIMON,**

**Plaintiff,**

**VS.**

**METROPOLITAN LIFE  
INSURANCE COMPANY, KEMPER  
INSURANCE COMPANY,  
MORGAN STANLEY DW, INC.,  
MICHAEL B. LATTI, LATTI  
ASSOCIATES, and LATTI &  
ANDERSON LLP,**

**Defendants.**

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**C. A. No: 05-11073 NG**

**METROPOLITAN LIFE INSURANCE COMPANY’S  
MOTION IN LIMINE  
TO PRECLUDE EVIDENCE OF COST OF A REPLACEMENT ANNUITY**

**ORAL HEARING REQUESTED**

Defendant, Metropolitan Life Insurance Company (hereinafter “MetLife”), moves for an Order to preclude Plaintiff from presenting any documents, testimony or other statements regarding the cost of a replacement for a Life Certain Annuity.

During discovery, Plaintiff did not submit any documents, evidence, or testimony regarding Plaintiff’s life expectancy. Therefore, Plaintiff must not be allowed to speculate about the cost of a replacement annuity which clearly requires an estimate of life expectancy. Also, the cost of a life annuity differs with different companies. Further, and just as importantly, Plaintiff has failed to identify an expert that would be able to calculate his life expectancy necessary to

value the cost of a replacement annuity. MetLife maintains that the \$175,000.00 that Kemper paid in 1983 could buy no more than a 20 year certain annuity.

**WHEREFORE**, Metropolitan Life Insurance Company prays that this Court issue an Order to preclude Plaintiff from presenting any documents, testimony or other statements regarding the cost of a replacement for a Life Certain Annuity.

**REQUEST FOR ORAL ARGUMENT**

MetLife respectfully requests that, pursuant to Local Rule 7.1(D), the Court schedule this matter for oral argument. Oral argument will assist the Court in making its decision on MetLife's Motion.

Respectfully submitted by:

Defendant,

METROPOLITAN LIFE INSURANCE  
COMPANY,

By its Attorneys,

/s/ James J. Ciapciak  
James J. Ciapciak, BBO # 552328  
Peter M. LeBlanc, BBO # 645302  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing document was filed via the ECF system and will be served electronically through that system upon Counsel of Record on May 12, 2008.

/s/ Peter M. LeBlanc  
Peter M. LeBlanc